### canvassing kansas

AN UPDATE ON ELECTION NEWS FROM THE KANSAS SECRETARY OF STATE'S OFFICE

**2014** 

# New Issues to Consider in Primary Election Preparation

political party policy change and several pieces of federal and state legislation have given election officers plenty to think about this year as they prepare for the primary election on August 5. Consider the following:

#### **Democratic closed primary**

At its annual meeting held in February, 2013, the State Committee of the Kansas Democratic Party approved a motion to conduct a closed primary in 2014. This means that any registered voter who is not already affiliated with a party may affiliate with the Democratic Party at the polling place on election day and vote the Democratic ballot. The party affiliation stays with the person until he/she changes it in the future. This may also be done when applying for an advance ballot. Both the Democratic and the Republican parties now have adopted the same rule, reducing confusion for voters and poll workers. Since 2004, the Republican Party has had a closed primary, but between 2004 and 2012 the Democratic Party had allowed unaffiliated voters to vote Democratic without first affiliating with the party.

#### Party switching prohibited at certain times

The Kansas Legislature passed House Bill 2210 during the 2014 legislative session. The simple premise of this bill is that voters are prohibited from changing party affiliations between the candidate filing deadline and the date when the results of the primary election are certified. Note the following points with regard to the beginning and ending dates of the prohibitive period:

- The new law says documents changing voters' party affiliation may not be filed with the county election officer during the prohibited period.
- If a voter attempts to file such a document, the county election officer should reject it and inform the voter that it needs to be resubmitted after the primary results are certified.
- During the prohibited period a voter may not change from Republican to Democrat or vice versa.
- Switches to and from the Libertarian Party also are prohibited.
- A voter may not change from Republican or Democrat to unaffiliated.

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#### From the desk of the Secretary

This year has brought several changes to the administration of elections in Kansas. With the upcoming primary election, there are multiple changes in laws and practice. This issue of Canvassing Kansas is filled with three and a half pages of new election issues.

For the first time, registered affiliated voters have an earlier date by which to change their party affiliation to be able to cast a partisan ballot in the primary. And the blackout period for re-affiliating lasts longer, until the primary votes are certified. On top of that, the Democratic Party has decided to conduct a closed primary for the first time in a decade.

Although the proof of citizenship requirement when registering to vote became effective over a year ago, this is the first statewide primary election since then. Because the Court of Appeals in *Kobach et al. vs. United States Election Assistance Commission* will not render a decision by August 5, we have been forced to establish procedures to take into account voter registrants who have met eligibility requirements to vote for federal elections only, but have not met eligibility requirements to vote in state elections under Kansas law. It is my sincere hope that come November, we will have another court victory in hand; and it will be irrelevant which form a potential voter uses to register.

I truly appreciate your continuing efforts to contact individuals who have begun the voter registration process but have not completed their voter registrations.

Kis W. Folach

# Update on Litigation

s reported in previous issues of this newsletter, the state of Kansas has been involved in three lawsuits tied to the two main provisions of the 2011 SAFE Act: photo ID and citizenship verification. See Canvassing Kansas, March 2014, pages 1 and 7. This is an update on further activity in the litigation.

### 1. Arthur Sprye and Charles Hamner v. Kris W. Kobach

After the case was removed to federal court, the plaintiffs decided not to pursue the case. It was dismissed on April 23, 2014.

#### 2. Kris W. Kobach, Kansas Secretary of State; and Ken Bennett, Arizona Secretary of State; v. United States Election Assistance Commission

After the U.S. District Court in Wichita ruled in the plaintiffs' favor on March 19, 2014, the defendants filed for a stay and appealed to the 10th Circuit. The district court denied the motion but the 10th Circuit Court of Appeals has issued a stay of the District Court's order that will remain in effect until the appeal is concluded. The Court of Appeals will hear oral arguments on August 25, after the primary election. The Secretary of State's office is hopeful that a decision will be issued by the Court of Appeals before Kansas's general election in November.

#### 3. Aaron Belenky, Scott Jones and Equality Kansas v. Kris Kobach, Kansas Secretary of State, and Brad Bryant, Kansas Elections Director

The Secretary of State removed the case to federal court and filed a motion to stay all proceedings pending a ruling in the EAC case (cited above). The plaintiffs subsequently filed a motion to remand the case back to state court. After issuing its ruling in the EAC case, the U.S. District Court remanded the Belenky case to state court. The case is currently moving through the litigation process in state court. ■

### State Election Board Considers Voter Registration Appeal

n March 24, 2014, the state election board met for the second time since passage of the SAFE Act in 2011 to consider an application for voter registration status. K.S.A. 25-2309(m) states that "If an applicant is a United States citizen but does not have any of the documentation listed in this section as satisfactory evidence of United States citizenship, such applicant may submit any evidence that such applicant believes demonstrates the applicant's United States citizenship."

The statute goes on to say that applications are made to the Secretary of State's office, and the Secretary then convenes a meeting of the state election board to consider the application and the evidence presented. The state election board consists of the Lieutenant Governor, Attorney General and Secretary of State.

In this case, the applicant had been born in another country and immigrated to the United States with her parents at a young age. She obtained a green card and lived continuously in the United States, and her mother became a naturalized citizen while the applicant was still of minor age. Under Section 321 of the federal Immigration and Nationality Act as it existed at the time, December 27, 2000, the applicant qualified for derivative citizenship.

The state election board heard the testimony of the applicant, reviewed the documents presented, and granted her full voter registration status.

This was the second application considered by the state election board since passage of the SAFE Act. The first was on March 26, 2013. The board also granted registration status to the applicant in that case. ■

### **Elections Bills Pass 2014 Legislature**

by the 2014 Kansas Legislature. Two other bills not included in this list are discussed elsewhere in this newsletter. See the discussion of House Bill 2210 on party switching and House Bill 2506 on school district local option budgets in the article on primary election planning.

#### **Conference Committee Report on House Bill 2130**

This conference committee report contains two bills, HB 2130 and HB 2518

#### **HB 2130 Qualifications of Petition Circulators**

This bill was proposed by the Secretary of State to bring state laws into compliance with a U.S. Supreme Court decision that determined that states may not require petition circulators to be residents of the state in which they circulate petitions. This allows petition drive organizers to use (and hire) out of state individuals to circulate petitions in Kansas.

In 2010 a case was brought against Secretary of State Chris Biggs by the Constitution Party alleging that Kansas law requiring state residency for petition circulators was unconstitutional based on *Yes on Term Limits, Inc. v. Savage* (2008). The 10th U.S. Circuit Court agreed.

Under the new law, petition circulators must be U.S. citizens, 18 years or older, and not have a current felony conviction.

The SOS office will revise the affidavits of petition circulators on the petition forms on the website.

#### **HB 2518 Ballot Language Statements**

This bill establishes a procedure for the development of ballot language statements to clarify the language of ballot questions that is sometimes complicated and confusing. For many years explanatory statements have been printed directly on the ballots for constitutional amendment questions. This new law applies to local question submitted elections only, and the explanatory statements do not appear on the ballot; rather, they are posted at the polling place, enclosed with mailed advance (and permanent advance) ballots, provided to in-person advance voters, and available

for public inspection in the county election office. Ballot language statements are not required in all question submitted elections under this law. It is up to the county election officer to decide if a statement is to be prepared.

**If** the CEO requests it, a ballot language statement **shall** be prepared according to whichever of the following two procedures is appropriate:

- a. If the ballot question is derived from a petition, the CEO requests, within 10 days of certification, a statement prepared by the district attorney, county attorney or county counselor, whichever is applicable. The statement is prepared within 15 days and sent to the Secretary of State for approval. The Secretary of State has 5 days to review and approve the statement and provide it to the CEO.
- b. If the ballot question is derived from a source other than a petition, such as a resolution passed by a local governing body, the CEO requests the Secretary of State to prepare the statement within 15 days and to submit it to the Attorney General for approval. The Attorney General has 5 days to review and approve the statement and provide it to the CEO.

According to the law, ballot language statements are to be true and impartial and shall fairly and accurately explain what votes for and against the question mean, and are to be prepared and transmitted in good faith and without malice. The officials involved in the development of ballot language statements have no legal liability for their actions and there is no cause of action challenging the validity of the statements and they may not be used as the basis for election contests

#### **Senate Concurrent Resolution 1618**

This resolution passed with a two-thirds vote of each house of the Legislature. It creates a statewide vote in the general election on November 4, 2014 on a constitutional amendment to authorize the legislature to allow raffles by religious, charitable, fraternal, educational and veterans nonprofit organizations that are currently prohibited under the lottery laws.

### County Clerks Attend Sanborn Institute Year 2

embers of the SOS elections staff spent two hours discussing elections with the Year 2 enrollees at the Sanborn Certification Institute. The SOS presentation was from 8:00 to 10:00 on Thursday, April 17, 2014, and the presenters were Brad Bryant, State Election Director, and Bryan Caskey, Assistant State Election Director.

The basic curriculum for the Institute is consistent from year to year and has included similar topics since the early 1990s when the Sanborn Institute began. The major elections-related topics in Year 2 are Election Law and Current Issues. This year's presentation was broken into the following topics and subtopics:

#### **Review of Year 1**

- Sources of law (constitutions, statutes, court decisions, regulations, legal opinions)
- Federal laws on voting
- State election laws
- Kansas Election Standards
- Current legal issues
- Election technology

- Accessibility
- Election crimes
- Voter registration list maintenance
- Election Law
- Contracts
- Help America Vote Act of 2002 (HAVA)
- Military and Overseas Voter Empowerment (MOVE) Act

#### **Current Issues**

- Mobile polling
- Concealed carry weapons
- Photo ID
- Proof of citizenship
- Electronic poll books
- Voting equipment
- Voter outreach

We commend the thirty Sanborn Year 2 enrollees for their interest in learning about their jobs as county clerks and their willingness to complete the program to become certified. SOS staff appreciate the opportunity to meet with them.

# State Objections Board Hears Case Against U.S. Sen. Pat Roberts

n May 7, 2014, five objections were filed with the Secretary of State's office questioning the qualifications of United States Senator Pat Roberts based on his residency. On May 8, a sixth objection was filed by another person. All of the objections claimed that Sen. Roberts is no longer a resident of Kansas and that he is a resident of Alexandria, VA, due to the amount of time he spends there.

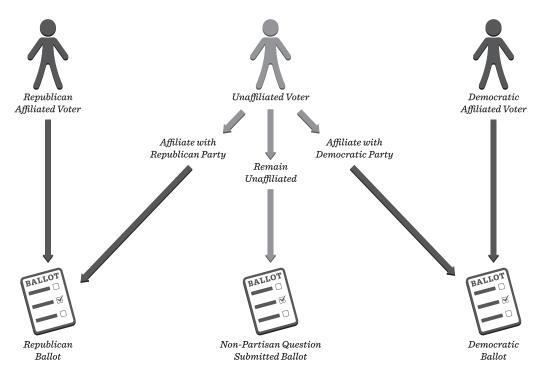
Sen. Roberts had filed for re-election on May 2. K.S.A. 25-308 states that "any certificate of nomination, nomination petitions or declaration of intention to become a candidate,

filed in apparent conformity with law, shall be deemed to be valid unless...objection thereto is made in writing within three days from the date the certificate, petitions or declaration is filed with or issued by the proper officers." In the case of national and state offices, objections are filed with the Secretary of State, whereupon the Secretary convenes a meeting within five days of the state objections board, consisting of the Lieutenant Governor, Attorney General and Secretary of State.

Cont'd on pg. 11

#### **Primary Election**

Cont'd



Party voting in Kansas primary elections for 2014 and beyond Illustration by Todd Caywood.

A person who is unaffiliated may, however, affiliate
with a party during this period and when voting at the
primary or requesting an advance ballot.

#### Concealed carry at polling places

The Personal and Family Protection Act passed by the Kansas Legislature in 2013 authorizes persons who possess concealed carry permits to carry weapons into municipal buildings except under certain circumstances. If weapons are not allowed in a particular facility, adequate security measures must be employed, including metal detection equipment and personnel with scanners. Because municipal facilities are often used as polling places, county election officers must review the facilities they use for voting and determine whether weapons are allowed. Attorney General Opinion 2013-20 was issued in response to a request from Secretary of State Kris Kobach to help clarify the provisions of the Act with regard to polling places. County election officers may need to consult their county attorneys/ counselors for advice. (See also Canvassing Kansas, December 2013, page 4.)

Here are the major principles outlined in the Attorney General Opinion:

- Except as under certain circumstances described in the Opinion, the use of real property as a polling place does not transform the nature of that property for the purposes of the PFPA. Any concealed carry requirements that applied to that property immediately before its temporary use as a polling place continue to apply during its use as a polling place and thereafter.
- The Personal and Family Protection Act (PFPA) authorizes concealed carry licensees to carry a concealed handgun into a polling place
- to the extent that concealed handguns are permitted to be carried into the building in which the polling place is located.
- The provisions of K.S.A. 2013 Supp. 75-7c20 apply only to buildings that are owned or leased in their entirety by the state or a municipality. If the PFPA requires concealed carry to be permitted in a state or municipal building, then concealed carry licensees must be permitted to carry a concealed handgun in all parts of the building, including areas used as polling places, with the exception of courtrooms, ancillary courtrooms, and secure areas of correctional facilities, jails and law enforcement agencies.
- The governing body or chief administrative officer, if no governing body exists, of a state or municipal building may exempt the building from the provisions of K.S.A. 2013 Supp. 75-7c20 for a set period of time. If a state or municipal building is so exempted, concealed carry may be prohibited by posting the building in accordance with K.S.A. 2013 Supp. 75-7c10.

- If the governing body or chief administrative officer of a state or municipal building does not exempt a building from the provisions of K.S.A. 2013 Supp. 75-7c20, then concealed carry licensees must be permitted to carry a concealed handgun inside the building unless adequate security measures are provided and the building is posted as prohibiting concealed carry.
- Concealed carry is not required to be permitted in a polling place located inside a privately-owned building unless the county has leased the entire privately-owned building.
- Concealed carry is not required to be permitted in polling places located inside public school district buildings because a public school district is not a municipality for the purposes of the PFPA.
- An equal protection claim against a county based upon the varying ability of concealed carry licensees to carry a concealed handgun into a polling place would be subject to the rational basis test.

#### **USD** local option budget elections

House Bill 2506 is the school funding bill passed by the Legislature in response to the Kansas Supreme Court decision in the school funding lawsuit. It contains provisions regarding local school districts' conduct of elections to increase their local option budgets.

Sections 38 and 42(e) affect CEOs in that they create possibilities for local option budget elections and mail ballot elections. For many years USDs have been authorized to hold local option budget elections either by mail ballot election or walk-in election. Under this new law, in some circumstances they are required to conduct their elections by all-mail ballot on or before August 1 of the initial school year for which the resolution calling the election was adopted. Some county election officers will be required to conduct local option budget elections, either walk-in or mail ballot elections, during the two months leading up to the August primary.

#### **Department of Justice reporting**

In a letter received by the SOS office via email on February 24, 2014, the U.S. Department of Justice signaled its intention to continue its efforts to enforce the provisions of the 2000 MOVE (Military and Overseas Voter Empowerment) Act. MOVE constituted a series of amendments to the federal Uniformed and Overseas

Citizens Absentee Voting Act (UOCAVA), which guarantees voting rights of military personnel, their dependents, and nonmilitary U.S. citizens living abroad. Specifically, MOVE allows UOCAVA voters to receive voting materials and ballots electronically (in Kansas, this means email or fax) and it requires election officers to begin distributing ballots to UOCAVA voters no later than 45 days before each election.

In 2014, DOJ will require reports from the Secretary of State similar to the reports required in 2010 and 2012. The reports will require all 105 counties to be accounted for.

The Secretary of State will:

- Report to DOJ any recent legislation or revised procedures affecting UOCAVA voters
- Summarize the state's procedures and schedule for compliance with the 45-day ballot distribution deadline
- Monitor counties' transmission of absentee ballots to UOCAVA voters
- Alert DOJ before the 45-day deadline if we anticipate any counties may not meet the deadline, the reason for the delay, and corrective actions being undertaken
- Submit a complete report to DOJ by the 43rd day before each election (the Monday after the 45-day deadline) whether each county met the deadline

#### County election officers must:

- Keep track of all voters who qualify to vote under UOCAVA and who have submitted a Federal Post Card Application in 2014. Submission of a single FPCA in a calendar year authorizes the voter to receive a ballot in each election that year at which the voter is qualified to vote.
- Plan for the preparation and distribution of ballots to UOCAVA applicants by the 45-day deadline before each election. (The deadline before the August 5 primary is Saturday, June 21; the deadline before the November 4 general election is Saturday, September 20.)
- Report anticipated problems to the Secretary of State's office.
- Respond immediately to all requests from the Secretary of State's office to enable the SOS to make the required reports to DOJ.

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## Secretary Kobach and Staff Attend KCCEOA Spring Conference

The annual spring conference of the Kansas County Clerks and Election Officials Association was held May 6-9, 2014, at the Holiday Inn Wichita East hotel. This year's theme was "Embracing the Past—Encouraging the Future." KCCEOA President Sharon Seibel, Ford County Clerk, and the other officers put in a lot of work planning a successful conference, and their efforts paid off with a well-organized and well-attended event.

The Secretary of State's office was invited to make its annual presentation on elections issues on Thursday, May 8 from 10:30 to 4:30. Presenters were: Secretary of State Kris Kobach, Legal Counsel Tom Knutzen, Election Director Brad Bryant and Assistant Election Director Bryan Caskey. Approximately 185 county election officers, deputies and staff were on hand for the Thursday session.

The SOS presentation was organized into four sessions, each with multiple topics included:

#### **Session 1 Legal Issues**

- Welcome and opening remarks by Secretary of State Kobach
- Update on lawsuits
- Federal and state legislation
- Status of SAFE Act citizenship requirement
- Response to the Pew Foundation's release of the Elections Performance Index
- State legislation passed in 2014
- Constitutional amendment on ballot in November, 2014

#### **Session 2 2014 Election Planning**

- New laws to consider:
  - Prohibition on party switching before and during primary
  - Concealed carry of weapons in municipal buildings
  - USD local option budgets in 2014
- Report by the Presidential Commission on Election Administration
- Primary election party voting rules change by Democratic Party
- Reporting to DOJ on UOCAVA ballot distribution
- ELVIS voter registration system

#### Session 3 After 2014

- Election technology in the future
- HAVA funding and endowment program

#### **Session 4 Back to Basics**

- Elections forms availability and revisions
- SOS website features

Public page

County page

SOSIX

VoterView

Sample ballots

- Election night tabulation
- Kansas Election Standards and Election Laws
- Types of elections

Some of the liveliest discussions occurred during the presentations on the new law prohibiting party switches before the primary and the 2013 law authorizing concealed carry of weapons in municipal facilities, which can have an impact on polling places. The party switch law contains several intricacies which can be difficult for county election officers to administer and which can create confusion among voters.

The language of the concealed carry law, titled the Personal and Family Protection Act, was unclear in how it might affect facilities used as polling places in satellite advance voting or on election day, creating a need for an Attorney General Opinion to help clarify the issues. Secretary of State Kobach requested a formal opinion, which resulted in Attorney General Opinion 2013-20.

Another part of the presentation that generated some discussion was the proof of citizenship requirement of the 2011 SAFE Act. County election officers continue their efforts to track down voter registration applicants to obtain citizenship documents, and the Secretary of State's office continues to work with other state agencies and other states to obtain information to assist counties in their efforts.

After the noon lunch, before resuming the elections discussion, Secretary of State Kobach swore in next year's officers:

President: Jamie Shew Douglas County Clerk
Vice President: Sharon Wolters Smith County Clerk
Secretary: Robert Wyatt Norton County Clerk
Treasurer: David Lamb Linn County Clerk

Secretary Kobach and his staff appreciate the opportunity to meet with the conference attendees. We thank Sharon Seibel for her service and wish the best for next year's officers.

# ES&S Seeks State Certification of Voting System

lection Systems & Software of Omaha, NE, submitted an official request to the Kansas Secretary of State's office on April 8, 2014 for consideration and certification of its Unity 3.4.1.0 voting system. State law requires a written request for certification accompanied by a statutory fee of \$500. Also, state policy is to require any system to be tested by an approved independent testing authority and certified at the federal level by the Election Assistance Commission.

An ES&S representative brought the system to the Secretary of State's office on May 12, 2014, for a two-hour demonstration and discussion of the features of the system. Unity 3.4.1.0 is similar to the ES&S system currently certified in Kansas, which is Unity 3.0.1.0, certified on April 28, 2006. Unity 3.4.1.0 is federally certified according to the 2002 voluntary voting system standards.

The Unity 3.4.1.0 system includes hardware components currently used in many Kansas counties as well as some new components:

- M100 precinct ballot scanner
- DS200 digital precinct ballot scanner
- M650 central count ballot scanner
- DS850 central count ballot scanner
- AutoMARK ADA and HAVA compliant ballot marking system

The new Unity software suite includes:

- Audit Manager
- Election Data Manager
- Image Manager
- Hardware Programming Manager
- Election Reporting Manager
- AutoMARK Information Management System
- AutoMARK VAT Previewer
- ES&S Log Monitor Service

The system will support the legacy equipment currently owned and used in Kansas, including the M100, M650 and AutoMARK components. The iVotronic touchscreen voting machine is not included in the new system; the AutoMARK is the only ADA compliant part.

A decision by Secretary Kobach regarding official certification of Unity 3.4.1.0 is pending as of this writing. County election officers will be notified if and when certification is granted.

ES&S reports that its next system, already in the federal certification process, will be referred to as EVS and will include the DS200 and DS850 scanners and a replacement for the AutoMARK. It will be federally certified according to the 2005 voting system standards. ■

### Stan Murphy Joins SOS Elections Team

**S** tan Murphy started work in the Secretary of State's Elections Division as a Program Support Specialist on March 17, 2014. Stan took the position formerly held by Samantha Poetter, who left early this year to work in U.S. Sen. Pat Roberts' office. Samantha recently returned to the SOS to work in Secretary Kobach's front office.

Stan has lived in the Topeka area for a number of years. He originally was born in Kansas but was raised in Nebraska, which he claims made him a "Husker through and through." He graduated from the University of Nebraska-Kearney with a degree in Communications. As of this coming August, he and his wife Yvonne will have been married 23 years. They have three children: Donovan (19), Jillian (15) and Delaney (8). Stan enjoys all sports, music and working out in his spare time.

Stan has his hands in many projects in the Elections Division and is one of the front-line customer contacts. County election office personnel will hear from Stan by phone and email during this year's election season. Welcome aboard, Stan!



### Taylor Bates Interns in Elections Office

aylor Bates has joined the SOS elections division as a college student intern for the summer of 2014. Taylor joined the team after the Memorial Day holiday and plans to work until mid-August, after the primary election. She is a sophomore at Kansas State University majoring in Political Science and International and Area Studies with a Pre-law and an Economics minor. After graduation, Taylor plans to attend law school on the east coast and study abroad in France to earn both a French and an American law degree.

Taylor was born in Brunswick, Maine, to a mother in the Navy, and has done lots of travelling and experiencing different cultures.

In her spare time, she participates in Kansas State University's Model United Nations team as well as dancing ballet and jazz. When she's not dancing at the studio, she volunteers there.

Taylor will assist the full-time elections staff in answering phones, responding to customer inquiries, and keeping things organized during the busy weeks leading up to the primary election. County election office staff will get to know Taylor as she helps with regular communications by phone and email.

We are pleased that Taylor has joined us, and we hope she gains valuable experience observing and helping with the administration of this year's elections. ■

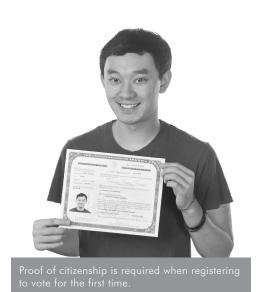


#### **Primary Election**

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#### **Citizenship requirement**

Phase 2 of the 2011 SAFE Act requires each person who registers to vote for the first time in Kansas after January 1, 2013, to submit proof of citizenship in order to become a registered voter. Those who submit applications without



proof of citizenship are entered into the statewide voter registration database as incomplete applicants. Anyone who was registered before January 1, 2013, is "deemed to have provided satisfactory

evidence of citizenship and shall not be required to resubmit evidence of citizenship." [K.S.A. 25-2309(n)]

The Secretary of State's office has recommended that county election officers make at least two attempts to obtain citizenship documentation from incomplete applicants: once by mail and once by phone, email or personal contact. The Secretary of State's office entered into an agreement with the Kansas Department of Health and Environment's Office of Vital Statistics to compare, on a monthly basis, the list of incomplete applicants with state birth certificate records. When matches occur, indicating incomplete applicants were born in Kansas and are thus U.S. citizens, that information is provided to the appropriate county election officers with instructions to grant full registration status to those individuals.

The Secretary of State's office continues its work to provide citizenship information to counties to reduce the length of the incomplete list. County election officers should continue their efforts to obtain documentation from incomplete applicants in their counties in order to ensure the full voting rights of these individuals and to reduce the number of provisional ballots cast in this year's elections.

#### **Roberts**

Cont'd

At a hearing held on May 12 in the second floor auditorium of Memorial Hall in Topeka, where the offices of the Attorney General and Secretary of State are located, the objections board heard presentations by the objectors followed by rebuttal by an attorney representing Sen. Roberts. Objections board members asked questions of objectors and the objectee's attorney. At the conclusion of the question period the board voted unanimously to deny the objection. As a result, Sen. Roberts retains his place on the ballot for re-election in 2014.

There are two periods of time in the election year when objections may be filed: after an individual candidate files or after certification of the primary election results. Because

many candidates file just before or on the candidate filing deadline in early June, in many years there are objections filed at that point. Objections also may be filed against candidates for local office. In such cases the objections are filed with the county election officer, and the members of the county objections board are the county election officer, county/district attorney, and an elected official of the county who is not involved in the controversy and who is designated by the county election officer.